



# United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,272	08/03/2001	E. Wendell Diller	D55.2-10027	2496
490 7	590 08/08/2002			
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000			EXAMINER	
			THOMSON, MICHELLE R	
MINNETONK	A, MN 55343-9185		ART UNIT	PAPER NUMBER
			3641	
			DATE MAILED: 08/08/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisible under the growthed under the provisible under the provisible under the provisible under the provision of 3° CFR 1.736(b), in no event, however, may a reply be timely flind  Extension for reply separation above, the maximum of 3° CFR 1.736(b), in no event, however, may a reply be timely flind  If the period for reply separation above, the maximum attentory parked unley park and legacy for Sto (9) MOVTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply vell, by attention, so the provision of the provision of the communication, even if timely fleed, may reduce any commend patient term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on 03 August 2001.  2a) This action is FINAL.  2b) This action is one-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-18 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are by is/are withdrawn from consideration.  8) Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  11		Application No.	Applicant(s)			
Michelle (Shelley) Thomson 3641		09/923,272	DILLER, E. WENDELL			
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Examinate of the marple a sevalation user the provisions of 3 CFR 1.38(a). In no event, however, may a reply be timely fleed  If the period for reply specified shows is less than thiny (00) days, a reply within the adulutory minimum of thinty (00) days will be considered timely.  If the period for reply specified shows is less than thiny (00) days, a reply within the adulutory minimum of thinty (00) days will be considered timely.  If the period for reply specified shows is less than thiny (00) days, a reply within the adulutory minimum of thinty (00) days will be considered timely.  If the period for reply specified shows is less than thiny (00) days, a reply within the adulutory minimum of thinty (00) days will be considered timely.  If the period for reply specified shows is less than the replication.  Any reply received by the Office later than three models after the mailing date of this communication, even if timely flied, may reduce a replication.  A period for Responsive to communication(s) filled on 0.3 August 2001.  2a) This action is FINAL. 2b) This action is non-final.  3y Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.28 layer pending in the application.  4) Of the above claim(s) is a replication in the application of the day of the above claim (s) is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) is/are are subject to restriction and/or election requirement.  Application Papers  9) The proposed drawing correction filed on is side of the daying(s) be held in aboyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is side of the daying(s) be held in aboya	Office Action Summary	Examiner	Art Unit			
A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  and SIX (6) MONTHS from the mailing date of this communication.  If the period from phy specified above, the maximum statutory period was apply and was eaple 30X (6) MONTHS from the mailing date of this communication.  If the period from phy specified above, the maximum statutory period was apply and was eaple 30X (6) MONTHS from the mailing date of this communication.  If the period from phy specified above, the maximum statutory period was apply and was eaple 30X (6) MONTHS from the mailing date of this communication.  If the period for reply a specified above, the maximum statutory period was apply and was eaple 30X (6) MONTHS from the mailing date of this communication, even if firmely filled, may reduce any seamed pation term ediplasment. See 37 CFR 1.704(b).  Status  1)			1			
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of term may be waitled under the provision of 3 CPR 1.15(6). In no event, horwerer, may a traphy be timely filled after 5X (5) MCNTHS from the mailing date of this communication.  It No parted for regly is specified above, the maximum adultory parted will apply and will loops for the particular them in the parted by the Office dates, the maximum adultory parted will apply and will loops for (5) (6) MCNTHS from the mailing date of this communication.  Fainvier or regly within the set or extended period for regly will, by adultion, cause the application to become ABANDONED (38 U.S.C. § 133).  Any regly received by the Office inter than their mortal and their the mailing date of this communication, even if timely filed, may reduce any  Any regly received by the Office inter than their mortals and their the mailing date of this communication, even if timely filed, may reduce any  This action is FINAL.  2b) This action is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-18 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) is/are allowed.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are rejected to.  8) Claim(s) is/are rejected to.  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  Application Papers  Application proved, corrected drawings are required in reply to this Office action.  11) The proposed drawing correction filed on is/are: a) accepted or by the Examiner.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § \$119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f)	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
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Application/Control Number: 09/923,272

Art Unit: 3641

#### **DETAILED ACTION**

#### Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

## I. Barrel section connection

- a. releasably coupled
- b. fixedly secured

## II. Barrel Section length

- c. sections have the same length
- d. sections have different lengths

### III. Vent Size

- e. vents are same size
- f. vents of at least two different sizes.

### IV. Vent spacing

- g. vents are regularly spaced
- h. vents are irregularly spaced

### V. Sector Length

- i. sectors have an identical length
- j. sectors have different lengths.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claims 1-3, 8, 11 and 12 are generic.

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Applicant is advised that a reply to this requirement must include an identification of one species from each section I, II, III, IV and V that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703.305.7687 for regular

communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703.308.1113.

mrt

August 7, 2002

SUPERVISORY